

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 4, 2009

DIVISION ONE

B206326 People (Not for Publication)
v.
Antoine Demetrius Reed

The judgment is reversed and the cause is remanded to the trial court with directions to give Reed an opportunity to subpoena S.'s mother and present her testimony. The court shall not limit mother's testimony to the "manipulation" issue but shall hear all relevant testimony mother has to offer. After hearing her testimony, the court shall evaluate the materiality of this new evidence in light of the whole record and determine whether to grant Reed a new trial. If the court determines not to order a new trial then the court shall reinstate the judgment. The defendant is entitled to be present at this hearing. Should the court reinstate the judgment of conviction, it shall modify the sentence by striking the court construction penalty and the sex offender fine under section 290.3, subdivision (a), for violation of section 288a, subdivision (b)(2) (oral copulation with a minor) and impose fines on the remaining sex offense convictions in the sum of \$200 for the rape conviction and \$300 each for the two lewd conduct convictions for a total of \$800.

Rothschild, J.

We concur: Mallano, P.J.
 Bauer, J. (Assigned)

March 4, 2009 (Continued)

DIVISION TWO

B203618 People (Not for Publication)
v.
Davila and Juarez

The judgment are affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
 Chavez, J.

B203359 People v. Lloyd (Not for Publication)

The orders of sentencing are reversed. On remand for resentencing, the trial court shall make formal findings as to the truth of the section 667, subdivisions (b) through (i) and section 1170.12 allegations of strikes, as well as formal findings on the existence of the section 667.5, subdivision (b) separate prison term enhancements. It shall also redetermine appellant's Romero motion in conformity with the views expressed above and resentence appellant. In all other respects, the judgment will be affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B205103 People (Not for Publication)
v.
Diaz

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

March 4, 2009 (Continued)

DIVISION TWO (continued)

B206416 People (Not for Publication)
v.
Moreland

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

B205723 Shaouljian (Not for Publication)
v.
Scottish Rite Cathedral Association of Los Angeles

The order of the trial court is affirmed. Defendant is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION THREE

B206604 People (Not for Publication)
v.
Aaron Mathew Wiener

The order directing defendant to return the dog to Meza is reversed. The judgment otherwise affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (continued)

B196880 People (Not for Publication)
v.
Demetrius Weatherspoon

The judgment as to Weatherspoon, and the orders denying his motions to quash and traverse the warrant, and to suppress evidence, are reversed, and the matter is remanded to the trial court with directions to conduct an in camera hearing with respect to his motions, consistent with this opinion and *People v. Hobbs*, supra, 7 Cal.4th 948, 971-975. If, after said in camera hearing and the related proceedings, the court denies Weatherspoon's suppression motion, the court shall reinstate the judgment. If, after said in camera hearing and the related proceedings, the court grants Weatherspoon's suppression motion, the trial court shall grant Weatherspoon a new trial, unless the evidence which should have been suppressed at his previous trial was harmless beyond a reasonable doubt, in which case the court shall reinstate the judgment. Moreover, notwithstanding the above, the trial court is also directed to determine the issue of whether the magistrate on September 3, 2004, failed to retain the sealed confidential attachment, thereby violating Weatherspoon's right to due process, including the issues of whether Galland II applies to this case, and, assuming it does, whether the magistrate erred by allowing law enforcement to retain the "Hobbs Confidential Attachment" (sealed affidavit) incorporated by reference into the affidavit supporting the wiretap order issued on that date and, if so, whether any such error violated Weatherspoon's right to meaningful appellate review. The judgment as to Wilson is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B205897 Just in Case, Inc. (Not for Publication)
 v.
 Virtual Electronics Manufacturing, Inc. et al.

The judgment is affirmed. Respondent(s) to recover costs.

Manella, J.

We concur: Epstein, P.J.
 Willhite, J.

DIVISION FIVE

B207960 People (Not for Publication)
 v.
 J.G.

The restitution award is ordered reduced by \$77.25 to \$1,440.07. As modified, the judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

B206122 People (Not for Publication)
 v.
 Juan Sanchez

The judgment is affirmed.

Armstrong, J.

I concur: Turner, P.J.
I concur and dissent: Mosk, J. (Opinion)

DIVISION FIVE (continued)

B207071 People (Not for Publication)
v.
Norma Navarro

The judgment is reversed and this matter is remanded to the trial court with instructions to conduct an in camera hearing on appellant's Pitchess motion consistent with this opinion. If the hearing reveals no discoverable information in the officers' personnel files, the trial court is ordered to reinstate the original judgment and sentence and the judgment is ordered affirmed. If there is discoverable material in any of those files, it should be turned over to appellant so that she may determine whether that material would have led to any relevant, admissible evidence that she could have presented at trial. If appellant is able to demonstrate that she was prejudiced by the earlier denial of discovery, the trial court should order a new trial. If appellant is unable to demonstrate prejudice, the trial court is ordered to reinstate the original judgment and sentence and the judgment is ordered affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

B206442 Robert Segura (Not for Publication)
v.
LB 1200 Main L.P.,

The order is affirmed. Respondent LB 1200 Main L.P. is awarded its costs on appeal.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

DIVISION FIVE (continued)

B207018 Lori Ransom (Not for Publication)
 v.
 Calaveras Asbestos, LTD.,

The judgment is affirmed. Plaintiff, Lori Ransom, as the successor in interest to Glade Cookus, is awarded her costs on appeal from defendant, Calaveras Asbestos, Ltd.

Armstrong, Acting P.J.

I Concur Kriegler, J.
I dissent: Mosk, J. (Opinion)

DIVISION EIGHT

B209750 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 J.G.,
 In re C.G., a Person Coming Under the Juvenile Court Law.

The orders are affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
 Bigelow, J.

B207342 People (Not for Publication)
 v.
 Marshall Harris

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
 Bigelow, J.

March 4, 2009 (Continued)

DIVISION EIGHT (continued)

B212872 City Of Los Angeles
 v.
 Matthew Preston Schubert

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed December 11, 2008) dismissed.